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MX Technologies, Inc.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 CALVIN LINCOLN, individually and on behalf) CASE NO.: 2:23-cv-00806-KJN
12 of all others similarly situated,)
13 Plaintiff,) **STIPULATION AND ORDER TO**
14 v.) **EXTEND DEFENDANT'S**
15 MX TECHNOLOGIES, INC.,) **DEADLINE TO RESPOND TO THE**
16 Defendant.) **COMPLAINT (LOCAL RULE**
17 _____) **144(A))**

STIPULATION

Pursuant to Eastern District of California Local Rule 144 and Federal Code of Civil Procedure 6(b), Plaintiff Calvin Lincoln and Defendant MX Technologies, Inc., by and through their respective counsel of record, respectfully submit the following Stipulation to (1) request a Court order extending Defendant's deadline to respond to the Complaint to July 17, 2023, and (2) memorialize their agreement to extend that deadline by the 28-day period permitted by Local Rule 144(a) without prior leave of Court.

The Parties provide the following background information in support of the July 17 extension request, which is the first extension requested by any Party and is not submitted for purposes of delay. Plaintiff filed his Complaint on April 28, 2023. Plaintiff's process server attests to serving the Complaint and summons on Defendant's registered agent at CT Corporation on May 3, 2023. But Defendant did not receive the Complaint and Summons from CT Corporation. After seeing the certificate of service, Defendant inquired with CT Corporation and was told that the only documents delivered to CT Corporation for service on Defendant concerned an unrelated lawsuit where Defendant is not a party. Plaintiff's understanding, however, is that its process server delivered the correct documents to CT Corporation.

In any event, rather than dispute the validity of service, and to resolve any uncertainty about Defendant’s deadline and promote efficiency and economy, the Parties respectfully request that the Court extend Defendant’s deadline to answer or otherwise respond to the Complaint to July 17, 2023. This is just under 60 days from this Stipulation, which is the response period that would apply upon a timely waiver of service. *See* Fed. R. Civ. Proc. 4(d). Defendant is willing to waive service and any arguments related to the adequacy of the attested service on May 3, 2023. The additional time will assist Defendant in analyzing and investigating the Complaint’s factual allegations and legal contentions.

25 The Parties further stipulate and agree that while this request is pending (or in the event it
26 is denied), Defendant's deadline to respond to the Complaint is extended by the 28-day period
27 that Local Rule 144(a) permits without prior approval of the Court. For purposes of this
28 Stipulation, Defendant agrees that the 28 days will be added to the original response deadline

1 that would apply under the May 3 service date attested by the process service, which yields a
2 stipulated response deadline of June 21, 2023.

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4 NOW, THEREFORE, THE PARTIES STIPULATE AS FOLLOWS:

- 5 1. The Court should extend Defendant's deadline to answer or otherwise respond to the
6 Complaint to July 17, 2023 on good cause shown; and
7 2. If this request is denied, Defendant's deadline is extended to June 21, 2023, and
8 Defendant shall not be required to answer or respond to the Complaint before that date.

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10 Dated: May 19, 2023

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

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By: /s/ Mark R. Yohalem
MARK R. YOHALEM

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Attorneys for Defendant
MX Technologies, Inc.

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Dated: May 19, 2023

BURSOR & FISHER, P.A.

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By: /s/ Stefan Bogdanovich (as authorized on
May 19, 2023)

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STEFAN BOGDANOVICH

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ORDER

Having considered the Parties' Stipulation to Extend Defendant's Deadline to Respond to the Complaint (Local Rule 144(a)), and good cause therefore appearing, IT IS HEREBY ORDERED that: Defendant MX Technologies, Inc.'s deadline to answer or otherwise respond to Plaintiff's Complaint is extended from June 21, 2023, to July 17, 2023.

6 | Dated: May 23, 2023

Kendall J. Newman
KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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